

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**JOSEPH M.,**

**Plaintiff,**

**v.**

**6:21-CV-614 (NAM/DEP)**

**COMMISSIONER OF SOCIAL SECURITY,**

**Defendant.**

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**Appearances:**

Peter W. Antonowicz, Esq.  
148 West Dominick Street  
Rome, NY 13440  
*Attorney for Plaintiff*

Louis John George, Esq.  
625 JFK Building  
15 New Sudbury Street  
Boston, MA 02203  
*Attorney for Defendant*

**Hon. Norman A. Mordue, Senior United States District Judge:**

**ORDER**

On May 27, 2021, Plaintiff commenced this action, pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3), to challenge a decision by the Defendant Commissioner of Social Security that he was not disabled and thus ineligible for Supplemental Security Income benefits. (Dkt. No. 1). After briefing by the parties, the matter was referred to United States Magistrate Judge David E. Peebles for the issuance of a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Northern District of New York Local Rule 72.3. (Dkt. No. 20).

On August 5, 2022, Magistrate Judge Peebles issued a thorough and well-reasoned Report and Recommendation, which recommended that: Plaintiff's motion for judgment on the pleadings be denied; Defendant's motion for judgment on the pleading be granted; and the Commissioner's decision be affirmed. (Dkt. No. 21). Magistrate Judge Peebles advised the parties that, under 28 U.S.C. § 636(b)(1), they had fourteen days within which to file written objections to the Report and Recommendation and that failure to object within fourteen days would preclude appellate review. (*Id.*, p. 23).

As no objections have been filed and the time for filing objections has expired, the Court reviews the Report and Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); *see also* Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment. Having reviewed the Report and Recommendation for clear error and found none, the Court adopts it in its entirety.

For these reasons, it is

**ORDERED** that the Report and Recommendation (Dkt. No. 21) is **ADOPTED**; and it is further

**ORDERED** that Plaintiff's motion for judgment on the pleadings is **DENIED**; and it is further


**ORDERED** that Defendant's motion for judgment on the pleadings is **GRANTED**; and it is further

**ORDERED** that the decision of the Commissioner of Social Security is **AFFIRMED**; and it is further

**ORDERED** that the Clerk provide a copy of this Order to the parties in accordance with the Local Rules of the Northern District of New York.

**IT IS SO ORDERED.**

Dated: September 1, 2022  
Syracuse, New York

  
Norman A. Mordue  
Senior U.S. District Judge

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